

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MRS PROPERTY INVESTMENTS, INC.,

Plaintiff,

-against-

RICHARD BIVONA, et al.,

Defendants.

MEMORANDUM & ORDER
21-CV-1104 (EK) (AYS)

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ERIC KOMITEE, United States District Judge:

The Court has received Magistrate Judge Shields' Report and Recommendation (R&R) dated September 22, 2021. ECF No. 25. Judge Shields recommends that I grant Plaintiff's motions for attorneys' fees and sanctions totaling \$7,139.00 and enter judgment jointly and severally against defendant Bivona and his counsel, Stephen Grossman. The amount requested by Plaintiff represents 15.7 hours of attorney time at a rate of \$440 per hour, for a total of \$6,908.00, as well as \$231.00 in filing fees. Judge Shields concluded that Bivona and Grossman lacked any objectively reasonable basis for removal to federal court, and instead removed the action solely to delay execution of the state court's preliminary injunction against Bivona.

Neither party has filed objections to the R&R, and the time to do so has expired. Accordingly, the Court reviews Judge Shields' recommendation for clear error on the face of the

record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b);
accord State Farm Mut. Auto. Ins. Co. v. Grafman, 968 F. Supp.
2d 480, 481 (E.D.N.Y. 2013). Having reviewed the record, I find
no error and therefore adopt the R&R in its entirety. Thus, I
grant Plaintiff's motion and award him \$7,139.00. The Clerk of
Court is respectfully directed to enter judgment jointly and
severally against defendant Bivona and attorney Grossman.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: December 6, 2021
Brooklyn, New York